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LETTER DATED 21 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. I have the honour to transmit herewith an article entitled "US should admit its mistake in Sudan bombing", published by the Wall Street Journal on Thursday, 20 May 1999, by Mr. Milt Bearden, a former CIA official who retired from the CIA in 1994, after a 30-year career in the Agency (see annex). He was the CIA Chief in Khartoum in the early 1980s, and travelled to Khartoum in January 1999 as part of a PBS "Frontline" team investigating El Shifa.

2. The former CIA official stated in this article that the National Security Advisor, Samuel R. Berger, justified the action against the factory by claiming that the plant was part of the "Sudanese military industrial complex", that it was heavily guarded, that it produced no medicines and that its ownership trail led to terrorist chief Osama bin Laden. He explained that within 24 hours diplomatic sources in the Sudan had dismantled Berger's story. "El Shifa was not a heavily guarded installation", said the German Ambassador in Khartoum, Werner Daum. "El Shifa did indeed produce large amounts of medicines, some under contract to the United Nations", declared the British Ambassador, Tom Carnaffin, who oversaw the construction, and independent investigators from London-based Kroll Associates concluded that the plant was not part of the Sudanese Military Industrial Corp. (whose name Mr. Berger got wrong), a hodgepodge of low-tech facilities in and around Khartoum that make military equipment ranging from uniforms to heavy mortars.

3. The former CIA official went on in his article to refute Berger's claims about the soil sample from the factory by saying "We later learned from press reports that the soil sample from El Shifa was collected by an Egyptian agent, acting at the direction of the CIA". He made clear that although environmental sampling near suspected nuclear and chemical facilities is a respected decades-old intelligence-collection method, never before has a single sample prompted an act of war against a sovereign State. On the contrary, soil sampling has historically been considered only a small tile of the intelligence mosaic. He added that the questions run deeper. In the case of the El Shifa sample, even the science has been challenged by United States and foreign experts. Immediately after the attack, the Sudan requested that a United Nations team be sent to Khartoum to inspect the destroyed plant. That move was blocked by the United States as "having no purpose". There were, however, unofficial

inspections by American and European scientists, none of which produced evidence of EMPTA or other dangerous chemicals at El Shifa.

4. The former CIA expert raised the question, does it make sense for the sole remaining super-Power to attack a small African nation, without warning, based solely on unconfirmed evidence provided by an agent from a third country? An understanding of North African history might suggest that a second opinion be sought before letting fly the missiles.

5. He also indicated that there is an immutable Washington reality: when bad things happen abroad, the immediate choices narrow to intelligence failure or policy failure. Intelligence failure is preferred. But it won't play out that way this time, unless it gets lumped with the intelligence snafu that put NATO's crosshairs erroneously on the Chinese Embassy in Belgrade two weeks ago.

6. He stated that the Sudan affair is purely a policy matter. To be sure, the CIA collected the soil sample. But according to press reports, senior officials at Langley have made it known that they never viewed it as justification for an attack; it was a fragment of intelligence made available to the White House. Though the CIA's official position has fallen into line with the administration's, the decision to bomb was made solely by the White House, with State Department backing.

7. The former CIA official put once again another question, "How does this all play out?" Mr. Idris has sued the United States Government, demanding the unfreezing of his assets. The Clinton administration, in declining to meet him in court, has effectively cleared him of the charges of terrorist links. Mr. Idris will next file a lawsuit asking for compensation for his destroyed pharmaceutical plant. The United States would be wise to settle now, and get the El Shifa affair behind it. The writer added: "But the administration seems to be sticking to its position. According to press reports, the usual 'unnamed senior White House official' maintains that the administration continues to have concerns about Mr. Idris's terrorist links, based on sensitive intelligence sources and methods, which cannot be revealed. Implicit is the suggestion that the administration really does have the goods on Mr. Idris, but is willing to continue to suffer serious damage to its credibility in order to protect sensitive intelligence sources and methods."

8. The former CIA official indicated that the above-mentioned defies reason. The damage to America's credibility is far more serious than any possible short-term compromise of intelligence methods. If the administration has evidence against Mr. Idris or the Sudanese Government, it should lay it out now, including any evidence of chemical weapons production at other locations in the Sudan. There is ample precedent for prudently sacrificing sources and methods to preserve national credibility: the Reagan administration revealed it had intercepted coded Libyan communications to justify its 1986 attack on Tripoli in retaliation for a terrorist bombing in Berlin. A sensitive intelligence capability was sacrificed, but United States credibility remained intact.

9. He concluded the article by saying that the questions about El Shifa will not go away. Either the administration shows its hand, or Congress will move in, with yet another bruising, partisan foreign-policy battle. The intelligence

community will suffer either way, as the question of which United States intelligence officials knew what about El Shifa and when is ferreted out in sworn testimony before the intelligence oversight committees.

10. The article by Mr. Milt Bearden, the former CIA official, is further evidence refuting the United States allegations regarding El Shifa pharmaceutical plant, and provided cogent and irrefutable proof of what the Sudan has for long been saying and communicating to the Security Council on this issue.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Elfatih ERWA
Permanent Representative

Annex

U.S. Should Admit Its Mistake in Sudan Bombing

News Article by WSJ on May 20, 1999 at 09:24:15:

U.S. Should Admit Its Mistake in Sudan Bombing

THE WALL STREET JOURNAL
May 20, 1999
Commentary

By Milt Bearden, who retired from the CIA in 1994, after a 30-year career in the Clandestine Services. He was the CIA's chief in Khartoum in the early 1980s, and he traveled to Khartoum this January as part of a PBS "Frontline" team investigating El Shifa.

Earlier this month the U.S. Treasury unfroze $24 million in U.S. assets held by Salah Idris, the Saudi businessman who owns the El Shifa pharmaceutical plant in Khartoum, Sudan, destroyed by U.S. Tomahawk cruise missiles last August. The Treasury's action amounts to an admission that the U.S. struck the wrong target--yet the Clinton administration still refuses to own up straightforwardly to its mistake.

Immediately after the missiles struck El Shifa (Arabic for "the cure"), National Security Adviser Samuel R. Berger justified the action by claiming the plant was part of the "Sudanese Military Industrial Complex," that it was heavily guarded, that it produced no medicines, and that its ownership trail led to terrorist chief Osama bin Laden. Within 24 hours, diplomatic sources in Sudan had dismantled Berger's story.

El Shifa was not a heavily guarded installation, said the German ambassador in Khartoum, Werner Daum, though a power plant a quarter-mile away was. El Shifa did, indeed, produce large amounts of medicines, some under contract to the U.N., declared the British ambassador, Tom Carnaffin, who oversaw its construction. And independent investigators from London-based Kroll Associates concluded that the plant was not part of the Sudanese Military Industrial Corp. (whose name Mr. Berger got wrong), a hodgepodge of low-tech facilities in and around Khartoum that make military equipment ranging from uniforms to heavy mortars.

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Pressed, Mr. Berger said that there was incontrovertible physical evidence--a handful of dirt--containing traces of a precursor chemical, ethyl methylphosphonothionate (known as Empta), used in the production of the deadly VX gas. We later learned from press reports that the soil sample from El Shifa was collected by an Egyptian agent, acting at the direction of the CIA.

Though environmental sampling near suspected nuclear and chemical facilities is a respected, decades-old intelligence-collection method, never before has a single sample prompted an act of war against a sovereign state. On the contrary, soil sampling has historically been considered only a small tile of the intelligence mosaic.

But the questions run deeper. In the case of the El Shifa sample, even the science has been challenged by U.S. and foreign experts. Immediately after the attack, Sudan requested a U.N. team be sent to Khartoum to inspect the destroyed plant. That move was blocked by the U.S. as "having no purpose." There were, however, unofficial inspections by American and European scientists, none of which produced evidence of Empta or other dangerous chemicals at El Shifa.

Does it make sense for the sole remaining superpower to attack a small African nation, without warning, based solely on unconfirmed evidence provided by an agent from a third country? An understanding of North African history might suggest that a second opinion be sought before letting fly the missiles. Consider the possibility of contamination of the soil sample, either through carelessness or intentionally. "Egypt's river," the Nile, runs through the Sudan, and Egypt's claims against its neighbor to the south are almost as old as the river.

There is an immutable Washington reality: When bad things happen abroad, the immediate choices narrow to intelligence failure or policy failure. Intelligence failure is preferred. But it won't play out that way this time, unless it gets lumped with the intelligence snafu that put NATO's crosshairs erroneously on the Chinese Embassy in Belgrade two weeks ago.

The Sudan affair is purely a policy matter. To be sure, the CIA collected the soil sample. But according to press reports, senior officials at Langley have made it known that they never viewed it as justification for an attack; it was a fragment of intelligence made available to the White House. Though the CIA's official position has fallen in line with the administration's, the decision to bomb was made solely by the White House, with State Department backing.

So how does this all play out? Mr. Idris had sued the U.S. government, demanding the unfreezing of his assets. The Clinton administration, in declining to meet him in court, has effectively cleared him of the charges of terrorist links. Mr. Idris will next file a lawsuit asking for compensation for his destroyed pharmaceutical plant. The U.S. would be wise to settle now, and get the El Shifa affair behind it.

But the administration seems to be sticking to its position. According to press reports, the usual "unnamed senior White House official" maintains that the administration continues to have concerns about Mr. Idris's terrorist links, based on sensitive intelligence sources and methods, which cannot be revealed. Implicit is the suggestion that the administration really does have the goods on Mr. Idris, but is willing to continue to suffer serious damage to its credibility in order to protect sensitive intelligence sources and methods.

That defies reason. The damage to America's credibility is far more serious than any possible short-term compromise of intelligence methods. If the administration has evidence against Mr. Idris or the Sudanese government, it should lay it out now, including any evidence of chemical weapons production at other locations in Sudan. There is ample precedent for prudently sacrificing sources and methods to preserve national credibility: The Reagan administration revealed it had intercepted coded Libyan communications to justify its 1986 attack on Tripoli in retaliation for a terrorist bombing in Berlin. A sensitive intelligence capability was sacrificed, but U.S. credibility remained intact.

The questions about El Shifa will not go away. Either the administration shows its hand, or Congress will move in, with yet another bruising, partisan foreign-policy battle. The intelligence community will suffer either way, as the question of which U.S. intelligence officials knew what about El Shifa and when is ferreted out in sworn testimony before the intelligence oversight committees.

On the positive side, finally settling the El Shifa affair might actually get the U.S. re-engaged in Sudan, where its leadership is needed to end the near-biblical suffering in a ravaged region, and in the process move a country that was once a close U.S. ally back into the international community. The Sudanese are ready for that.